

ORDINANCE NO. 078, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE XII OF CHAPTER 23 OF THE CITY CODE
RELATING TO ART IN PUBLIC PLACES

WHEREAS, on April 25, 1995, the City Council adopted Ordinance No. 020, 1995, establishing the Art in Public Places (APP) Program, adopting the Art in Public Places Guidelines, and setting goals and requirements for the acquisition, maintenance and exhibition of public art by the City; and

WHEREAS, On April 7, 1998, the City Council adopted Ordinance No. 047, 1998, which reenacted the APP Provisions of the City Code with certain modifications; and

WHEREAS, at the January 24, 2012 Council Work Session, the City Council reviewed the APP Program and asked staff to develop some modifications to the Program to address City Council concerns related to the types of City projects that are required to contribute to the Program; and

WHEREAS, City staff is proposing several amendments to the APP provisions in Article XII of Chapter 23 of the City Code; and

WHEREAS, the proposed amendments would exempt certain types of construction projects from the APP requirements, and would reduce the level of Utility contributions to the Program; and

WHEREAS; additional recommended changes would update the description of how APP funds are accounted for, and would revise the titles of several City Code sections to make them clearer and more accurate; and

WHEREAS, the Council desires to amend Article XII of Chapter 23 of the City Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the definition "*APP reserve account*" contained in Section 23-302 of the Code of the City of Fort Collins is hereby deleted in its entirety as follows:

Section 2. That the definition of "*Construction project*" contained in Section 23-302 of the Code of the City of Fort Collins is hereby amended to read as follows:

Construction project shall mean the construction, rehabilitation, renovation, remodeling, or improvement of any building, structure, street, sidewalk, park, utility or other public improvement by or for the City, including all associated landscaping, parking, design, engineering, equipment or furnishings for such improvement, and all other costs, but excluding the cost of real property acquisition, vehicles,

equipment not affixed to public property, and any improvements made by any special improvement district.

Section 3. That Section 23-302 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition of "*Cost center*" which reads in its entirety as follows:

Cost center shall mean a group of related accounts in the general ledger system maintained by the Finance Department.

Section 4. That Section 23-303 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-303. Accounting methods.

(a) Cost centers shall be established by the Finance Department in the appropriate funds to account for program contributions and spending. Monies remaining at the end of each year shall be accounted for in the appropriate fund balance accounts. Revenue and expenses for the acquisition or lease of works of art will be kept in separate cost centers from those that pertain to program administration, maintenance, repairs, and display costs.

(b) Budgets for the acquisition or lease of works of art will be non-lapsing. Budgets for the maintenance, repair, display and administration of the APP program will lapse at the end of each year.

(c) Contributions to APP for each Utility will be kept and spent in such Utility's own fund, with the exception of maintenance, administration, repair and display costs. Each Utility fund will pay its share of maintenance, administration, repair and display costs annually to the APP program cost center in the Cultural Services and Facilities Fund.

Section 5. That Section 23-304 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-304. Construction projects greater than \$250,000.

(a) All requests submitted to the City Council for appropriations for construction projects estimated to cost over two hundred and fifty thousand dollars (\$250,000.) shall include an amount equal to one (1) percent of the estimated cost of such project for works of art. This requirement shall also apply to appropriations partially funding a project that will have a total estimated cost of over two hundred and fifty thousand dollars (\$250,000.) even if such individual appropriations are equal to or less than said amount. When the City Council approves the appropriations for any such project, one (1) percent of the appropriated amount shall be deposited into the appropriate cost center. If any construction project is partially funded from any

source which precludes a work of art as an object of expenditure of such funds, the appropriation for works of art shall be equal to one (1) percent of the portion of the estimated project cost that will be funded from project funding sources that are not so restricted. Money collected in the APP cost centers shall be expended by the City for projects as prescribed by the APP Guidelines.

(b) The amount of annual contributions to the APP program from each Utility fund shall be limited to one-half (.5) percent of the budgeted operating revenue in such Utility fund for that year.

Section 6. That the title of Section 23-305 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-305. Construction projects between \$50,000 and \$250,000.

Section 7. That the title of Section 23-306 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-306. Construction projects under \$50,000 and purchases.

Section 8. That Section 23-308 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-308. Acquisition of works of art.

The APP Board shall make recommendations to the City Council concerning the use of funds in excess of ten thousand dollars (\$10,000.) for the acquisition, installation and maintenance of works of art. The construction project from which the funds were generated should generally be the site where the funds will be used. However, funds may be expended at other sites when the APP Board determines such expenditure is appropriate based on the considerations set forth in the guidelines. The APP Board may appoint a selection committee to make recommendations to the APP Board concerning the selection of artists, works of art and the placement of works of art. The selection committee may include artists, architects, City representatives and members of the public.

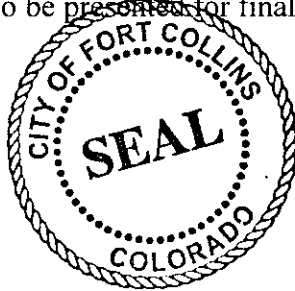
Section 9. That Section 23-309 of the Code of the City of Fort Collins is hereby amended to read as follows:


Sec. 23-309. Acquisition of donated artwork.

All works of art with a value of three hundred dollars (\$300.) or more donated to the City to be placed in a public area may be accepted only with approval of the APP Board, and all such works with a value of ten thousand dollars (\$10,000.) or more may be accepted only with approval of the City Council, upon review of such

proposed donation and the recommendation of the APP Board. The City shall accept ownership and responsibility for maintenance only of works of art that meet the objectives of the APP Program, and the criteria for works of art and site selection set forth in the APP Guidelines. Funds for the installation and maintenance of donated works of art will be funded by the APP program. Those works of art donated to the Fort Collins Museum for its collection purposes shall be exempt from this process.


Introduced, considered favorably on first reading, and ordered published this 21st day of August, A.D. 2012, and to be presented for final passage on the 2nd day of October, A.D. 2012.





Mayor Pro Tem


ATTEST:



City Clerk

Passed and adopted on final reading on the 2nd day of October, A.D. 2012.





Mayor

ATTEST:



City Clerk